

DEPARTMENT OF MARINE RESOURCES

Maine Aquaculture Regulations
SUBCHAPTER II -- Leases and Special Licenses

§6071. Importing of certain marine organisms

1. Live importing for introduction into coastal waters. Except for Atlantic salmon imported by the Atlantic Salmon Authority under Part 12, it is unlawful to import for introduction, possess for purposes of introduction or introduce into coastal waters a live marine organism without a permit issued by the commissioner pursuant to subsection 2.

2. Permits and regulations on importing for introduction. The commissioner may grant a permit to import for introduction, possess for purposes of introduction or introduce to the coastal waters a live marine organism if the introduction, importation or possession will not endanger the indigenous marine life or its environment. Prior to granting a permit to introduce a nonindigenous organism, that has not been previously introduced under a permit, the commissioner shall hold a hearing. The commissioner may adopt or amend rules governing the importing and introduction of organisms to the coastal waters and the issuing of permits, to the extent required to prevent the introduction of bacteria, fungus, virus or any other infectious or contagious disease or parasite, predator or other organism that may be dangerous to indigenous marine life or its environment.

2-A. Restricting importation of organism. The commissioner may adopt rules under which the commissioner may restrict the importation of a marine organism from a particular location when the commissioner determines that an organism from that location is or may be diseased or infected in any manner. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

3. Organism and products embargoed and condemned. The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed a marine organism or marine organism product either indigenous or imported if:

- A. The organism or product is introduced to coastal waters in violation of this section and the commissioner determines that the organism or product is of unsound quality, contains any filthy, decomposed or putrid substance, may be poisonous or deleterious to health or is otherwise unsafe;
- B. The organism or product is intended for introduction to coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment; or
- C. Handling of the organism or product could result in the introduction of that organism or product to the coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment.

The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine organisms or marine organism product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine organisms or marine organism product embargoed, condemned or destroyed.

4. Salmon imports prohibited. Except as provided in this subsection and section 9906, it is unlawful to import for introduction into any waters of the State any Atlantic salmon, live or as eggs, that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide. The commissioner may grant an exemption

DEPARTMENT OF MARINE RESOURCES

from the provisions of this subsection for a term not to exceed 2 years, renewable upon application, for legitimate aquacultural projects.

1989, c. 205, §1; 1991, c. 381, §2; 1991, c. 390, §1; 1994, c. 562; 1995, c. 406, §§4 & 5; 1997, c. 153, §1

DEPARTMENT OF MARINE RESOURCES

CHAPTER 24

IMPORTATION OF LIVE MARINE ORGANISMS

INDEX

24.00 Importation of Live Marine Organisms

Hearing Notice:	04/84	Commercial Fisheries News
	04/11/84	Portland Press Herald and Bangor Daily News
Hearing:	07/28/83	Boothbay Harbor, Maine
	09/27/83	Boothbay Harbor, Maine
	05/03/84	Boothbay Harbor, Maine
Rule Adopted:	07/24/84	
Rule Effective:	08/13/84	

24.00 Importation of Live Marine Organisms

Public Notice:	08/29/90	Secretary of State Notice of Agency Rule Making
	10/90	Commercial Fisheries News
Hearing:		None held - None requested
Rule Adopted:	10/11/90	
Rule Effective:	11/19/90	

24.00 Importation of Live Marine Organisms

Public Notice:	08/08/92	Bangor Daily News
	08/08/92	Portland Press Herald
Hearing:		Emergency Rule; no hearing required
Rule Adopted:	08/06/92	
Rule Effective:	08/07/92	

24.10(D)(6) Importation of Live Marine Organisms

Public Notice:	09/23/92	Secretary of State Notice of Agency Rule Making
Hearing:		None held - None requested
Rule Adopted:	11/17/92	
Rule Effective:	12/09/92	

Chapter 24 - Importation of Live Marine Organisms

SUMMARY:

As authorized by 12 M.R.S.A. §6071, the commissioner adopts these regulations concerning the importation and introduction of live marine organisms, regardless of size or age, to prevent the entry

DEPARTMENT OF MARINE RESOURCES

of any infectious or contagious diseases or parasites, predators or other organisms that may be dangerous to indigenous marine life or its environment. These regulations are designed to prevent the entry of pests, diseases and parasites into Maine by controlling the deposit of marine organisms from disease or pest-ridden areas and to prevent the spread of diseases or pests within Maine by controlling the deposit of marine organisms from possibly infested Maine coastal areas into disease free coastal areas. These regulations do not apply to transfers within Maine of indigenous organisms not originating in restricted areas in Maine. These regulations do apply to the importation and transfer of live finfish and the circumstances when action will be taken to control disease.

24.01 Definitions

In addition to the definitions found in 1 M.R.S.A. §72 and in 12 M.R.S.A. §6001, the following definitions shall apply in interpretation of these importation regulations, Chapter 24:

- A. Import. "Import" means to land on, bring into or deposit in any place subject to the jurisdiction of the State of Maine from outside the State of Maine.
- B. Introduce. "Introduce" means to import, or to land on, bring into or deposit in any place subject to the jurisdiction of the State of Maine from any restricted areas within the State of Maine.
- C. Nonindigenous species. "Nonindigenous species" means an organism belonging to a species that is not native to Maine, that is, that does not now exist naturally in Maine.
- D. Shellfish. "Shellfish" means clams, quahogs, oysters, mussels and scallops.
- E. Finfish. "Finfish" is defined as live fish, fish eggs, or fish gametes, but not to include aquaria species commonly sold in the pet store trade when raised in indoor containers.
- F. Epizootic. "Epizootic" is defined as the occurrence of a specific disease which can be detected in fifty percent of the mortality or moribund individual fish in an affected container, and which results in an average daily mortality of at least one-half of one percent of the affected individual fish for five or more days in any thirty day period.

24.02 Permit to Import American Lobsters

Importation and introduction of American lobsters (*Homarus americanus*) are allowed by blanket permit under these regulations. No specific permit issued under §24.05 is required for such activity.

24.03 Prohibited Activity

It shall be unlawful to import for introduction or to introduce into any coastal waters any live marine organisms whether indigenous or nonindigenous, without a permit issued by the commissioner. It shall also be unlawful to possess any live marine organism which has been imported for introduction or introduced without a permit issued by the commissioner.

DEPARTMENT OF MARINE RESOURCES

Chapter 24 - Importation of Live Marine Organisms

24.05 Permit Application for Marine Organisms

Any person who wishes to import for introduction or introduce any shellfish or finfish or to possess any such shellfish or finfish, must apply for a permit from the commissioner. Application for a permit shall be submitted on forms supplied by the commissioner and shall contain all information required by the commissioner, including without limitation the following:

- A. name, address, home and business phone of the applicant;
- B. species, life cycle stage and quantity of shellfish or finfish to be imported or introduced;
- C. area of origin, including name and address of hatchery, if any;
- D. area of proposed introduction, including name and address of hatchery or fish cultural facility, if any;
- E. date of proposed introduction;
- F. nature, duration and purpose of introduction;
- G. if a nonindigenous species, an explanation of the known habitat and biological and behavioral characteristics of the species, as well as epifauna and associated organisms; and
- H. a statement of examination by a state, federal or Department of Marine Resources approved private marine laboratory indicating its findings and certifying that the marine organisms to be imported or introduced are free of any infectious or contagious disease agents or pests or parasites based on standard methods of diagnosis.
- I. a valid fish health inspection report issued by a fish health inspector in accordance with Section F of the New England Salmonid Health Guidelines, which are listed in Appendix C.

24.06 Permit Application for Shellfish Used as Brood Stock in Hatcheries

Any person who wishes to import or introduce any live shellfish for use as brood stock in a shellfish hatchery or to possess any such shellfish must apply for a permit from the commissioner. Applications shall contain all information required by the commissioner including without limitation the information required by 24.05 A through G and a description of the physical facilities and production protocols associated with the quarantine of brood stock required by Section 24.07. Permits may be issued annually. A permit may allow the importation of single or multiple lots of shellfish for use as brood stock in shellfish hatcheries from the area(s) designated in the permit during the period the permit is valid.

24.07 Requirements for Shellfish Held as Brood Stock

Any person issued a permit under 24.06 shall hold such brood stock in quarantine within the hatchery. Effluent from hatchery tanks or other equipment holding brood stock must be treated by chlorination to achieve a free chlorine concentration of at least 50 parts per million at least two (2) hours after application prior to discharge. Daily records shall be maintained regarding the use of the chlorination treatment system that indicate the time and date of chlorine application and include chlorine test papers used to test results.

DEPARTMENT OF MARINE RESOURCES

Chapter 24 - Importation of Live Marine Organisms

24.10 Permit Issuance Criteria For Shellfish

- A. The commissioner may grant a permit to import or introduce shellfish, or to possess such shellfish, only if he finds to a reasonable degree of certainty that those actions will not endanger the indigenous marine life or its environment.
- B. In determining whether to issue a permit the commissioner shall consider the probable effects of the introduction of the shellfish into the recipient area, including, but not limited to:
 - 1. the effects of any previous introduction of the same or a similar species in Maine or other areas;
 - 2. the relationship of the species of marine organism to be introduced with other members of the recipient area ecosystem; and
 - 3. the potential effects of infectious or contagious diseases, pests or parasites that might be associated with the species of marine organism to be introduced upon other members of the ecosystem of the recipient area.
- C. Shellfish from the restricted areas listed in Paragraph D below shall be presumed to carry the infectious diseases, pests or parasites listed in Appendix A, unless an applicant produces sufficient evidence to rebut this presumption. The presumption may be rebutted by pathologic examination satisfactory to the Department or by a demonstration that the shellfish to be imported, introduced, or possessed have been raised in a closed-system hatchery free of the infectious or contagious diseases found in the coastal waters of the restricted area. Shellfish from areas not listed in Paragraph D must meet the requirements of Section 24.05 and demonstrate either that the shellfish do not carry the infectious disease, pests, or parasites listed in Appendix A or that the shellfish have been raised in a closed-system hatchery free from infectious or contagious diseases.
- D. The following geographical areas shall be considered restricted areas for the particular species listed:
 - 1. New York. The areas of New York State known as Great South Bay, Micox Bay and Fisher's Island on the north shore of Long Island shall be a restricted area for all species of shellfish;
 - 2. Connecticut. The area of Connecticut known as New Haven Harbor and the federal Milford Hatchery in Milford, Connecticut shall be a restricted area for all species of shellfish;
 - 3. Rhode Island. The area of Rhode Island known as Charlestown Pond shall be a restricted area for all species of shellfish;
 - 4. Massachusetts. The areas of Massachusetts known as Wellfleet Harbor, Cotuit Bay, Oyster River and Wareham River shall be a restricted area for all species of oysters;
 - 5. New Hampshire. The State of New Hampshire shall be a restricted area for all species of oysters;
 - 6. Maine. All coastal waters within the State of Maine shall be a restricted area for the European Oyster, (*Ostrea edulis*).
 - 7. New Jersey. The State of New Jersey shall be a restricted area for American oysters;

DEPARTMENT OF MARINE RESOURCES

Chapter 24 - Importation of Live Marine Organisms

24.10 Permit Issuance Criteria for Shellfish (cont.)

8. Delaware, Virginia, North Carolina, South Carolina, Florida and Louisiana. These states shall be a restricted area for American oysters;
9. Maryland. This State shall be a restricted area for American oysters and soft-shell clams;
10. California. The areas of this State known as Mono Bay, Elkhorn Slough, Drakes Estero, Tomales Bay and Humbalt Bay shall be a restricted area for Pacific and European oysters;
11. Washington. The area of this State known as Willapa Bay shall be a restricted area for Pacific oysters and mussels;
12. Canada, British Columbia. The areas of this province known as Henry Bay, Denmon Island, Seal Island, Comax Harbor, Lady Smith Harbor, Crofton, Saltair, Sibell and Nanoose Bays shall be a restricted area for Pacific oysters;
13. Canada, Maritime Provinces. This area of this country shall be a restricted area for American oysters, European oysters, blue mussels and hard-shell clams.
14. Cuba, Venezuela, Mexico and Brazil. These countries shall be restricted areas for all species of oysters;
15. Netherlands and Denmark. These countries shall be restricted areas for European oysters;
16. France. This country shall be a restricted area for all species of oysters;
17. Japan. This country shall be a restricted area for Pacific oysters;
18. Australia. This country shall be a restricted area for *Crossostrea commercialis*.
- E. The commissioner may include any permit conditions necessary to protect indigenous marine life or its environment, including, but not limited to, quarantine of brood stock in closed system hatcheries in recipient areas, quarantine of F1 generation individuals in isolation from brood stock and small-scale introduction of F2 generation individuals into recipient areas with continuing disease study.

24.15 Permit Issuance Criteria for Marine Organisms Other than Shellfish

- A. The commissioner may grant a permit to import or introduce any marine organism other than shellfish, or to possess such an organism, only if he finds to a reasonable degree of certainty that those actions will not endanger the indigenous marine life or its environment.
- B. In determining whether to issue a permit, the commissioner shall consider the potential effects of the introduction of the marine organism into the recipient area, including, but not limited to:
1. the effects of any previous introduction of the same or a similar species;
 2. the relationship of the species of marine organism to be introduced with other members of the recipient area ecosystem; and

DEPARTMENT OF MARINE RESOURCES

Chapter 24 - Importation of Live Marine Organisms

24.15 Permit Issuance Criteria for Marine Organisms Other than Shellfish (cont)

3. the effects of infectious or contagious diseases, pests or parasites which might be associated with the species of marine organism to be introduced upon other members of the ecosystem of the recipient area.
- C. The commissioner may include any permit conditions necessary to protect indigenous marine life or its environment, including but not limited to, quarantine of brood stock in a closed system hatchery in the recipient area, quarantine of F1 generation individuals in isolation from the brood stock and small-scale introduction of F2 generation individuals into the recipient area with continuing disease study.
- D. The commissioner may accept certifications provided by the Maine Department of Inland Fisheries and Wildlife that introduction of finfish imported for introduction will not endanger the indigenous marine life or its environment.
- E. In determining whether to issue a finfish permit the commissioner shall also follow the New England Salmonid Health Guidelines which set forth the essential requirements for the prevention and control of finfish diseases. These include a system for inspecting fish culture facilities and the technical procedures to be used.

24.16 Disease Control

- A. A copy of the permit shall accompany the finfish shipment at all times, and must be presented upon request to department employees.
- B. Upon confirmed diagnosis of viral hemorrhagic septicemia (VHS) or infectious hematopoietic necrosis (IHN), the permit holder shall notify the department within 12 hours by telephone and the permit holder shall initiate eradication procedures set forth in Annex VII of the New England Salmonid Health Guidelines.
- C. Any time a lot of fish is diagnosed as having an epizootic of any known disease, the permit holder shall notify the department within 48 hours.
- D. The permit holder shall maintain records that document mortalities and any treatments used to control those mortalities. These records shall be maintained for 5 years and be made available to the department upon request. These records shall be made on forms supplied by the commissioner.

24.20 Hearing

A hearing on a permit application is not required except that a hearing shall be required where an applicant requests permission to import for introduction, introduce, or possess a nonindigenous species which has not been introduced previously under a Department of Marine Resources permit.

24.25 Violation

Any violation of these regulations, or the conditions of permits issued under these regulations, shall be punishable as a Class D crime as provided by 12 M.R.S.A. §6204.

Chapter 24 - Importation of Live Marine Organisms

DEPARTMENT OF MARINE RESOURCES

APPENDIX A

Key: B = Benign; U = Unknown; PD = Potentially Dangerous; D = Dangerous; P = Pest

Status of Seriousness	Diseases	Geographic Zones	States
AMERICAN OYSTERS (<i>C. virginica</i>)			
(U)B	Viral gametocyte hypertrophy	Entire East & Gulf Coasts	
D	Herpesvirus (hemocytic)	CGM	ME
B	Chlamydia-Rickettsia Disease	Entire east coast	
B	(in ducts and stomach)	Entire east coast	
B	(in tubules)	Entire east coast	
(U)PD	Actinomycosis	CSN, DB	NY, NJ
D	<i>Perkinsus marinus</i>	DB, CB, PS (Entire Estuaries east & Gulf Coast)	NJ, DE, MD, VA, NC
D	<i>Minchinia nelsoni</i> (MSX)	CSN, DB, DE, CMA CGM*	NJ, NY, DE, MD, VA, ME
D	<i>Minchinia costalis</i> (SSO)	Marsh River, ME CGM, CSN, CMA	*Wellfleet, MA High salinity estuaries of entire northeast
B	<i>Nematopsis ostrearum</i>	All Atlantic & Gulf coasts	
B	<i>Ancistrocoma</i> -like ciliates	All Atlantic & Gulf coasts	
B	<i>Sphenophrya</i> -like ciliates	All Atlantic & Gulf coasts	
B	<i>Hexamita</i> sp.	All Atlantic & Gulf coasts	
(U)P	Turbellaria	CSM, CGM	NY, MA, ME
P	<i>Bucephalus cuculus</i>	CB, DB, PS, CMA	All but ME
P		CSM, CGM?	
P	Nematode infections	CB, PM, DB	
PD	Malignant neoplasia	All east coast	
P	Gill Turbellarian	CGM	Canada
D	Malpeque Bay disease		Canada (Gulf of St. Lawrence)
SOFT-SHELL CLAMS (<i>Mya arenaria</i>)			
D	Viral hematopoietic neoplasia	CGM, CSN	
B	Chlamydia	All Northeast	
PD	<i>Perkinsus</i> sp.	CB, CSN	MD, RI
B	Ciliates	All Northeast	
U	<i>Pseudoklossia</i> kidney gregarine	CSN, CGM	
P	<i>Bucephalus</i> sp.	Unknown	
U	Gill dysplasia	Entire coast	
PD	Gonadal neoplasia	CGM	Searsport, ME Dennysville, ME

*Accidental introduction in Wellfleet, MA.

DEPARTMENT OF MARINE RESOURCES

Chapter 24 - Importation of Live Marine Organisms

Appendix (Cont.)

Status of Seriousness	Diseases	Geographic Zones	States
HARD-SHELLED CLAMS (<i>Mercanaria mercenaria</i>)			
B	Chlamydia	Entire northeast	
P	Trematode	CSN	NJ
B	Ciliates	Entire range	
U	Arrested gametogenesis	CSN	RI
PD	Chitried fungus	Eastern Canada	
BAY SCALLOPS (<i>Aequipecten irradians</i>)			
PD	Microsporidan	GMA	MA
U	Kidney gregarine (<i>pseudoklossia</i>)	CSN	MA, CT
BLUE MUSSELS (<i>Mytilus edulis</i>)			
B	Chlamydia	Entire coast	
U	Bacterial disease of plicate organ	CMA, CNS	
PD	Haplosporidan	CGM	ME
U	<i>Pseudoklossia</i> sp. in kidney	CSN, CGM	MA, ME
B	<i>Steinhusia</i> in ova	CSN	RI
B	Ciliates	Entire range	
P	Trematode redia	CGM, CSN, CMA	
P	Trematode metacercariae	CGM, CSM, CMA	
	<i>Gymnophallus bursicola</i>		
P	Copepod	CGM	ME
P	<i>Pinnotheres maculatus</i>	CSN, CGM	ME
PD	<i>Mytilicola intestinalis</i>	Europe	
U	Haematopoietic neoplasm	UK	
D	<i>Mytilicola orientalis</i>	US West coast	
SEA SCALLOPS (<i>Placopecten magellanicus</i>)			
PD	Abscesses	CGM	ME
U	Fungus		ME (Sheepscot River)
EUROPEAN OYSTERS (<i>Ostrea edulis</i>)			
D	<i>Mytilicola orientalis</i>	West coast of US, France	
U	Haematopoietic neoplasm	France	
D	Shell disease (fungus)	European Atlantic coast Canada (Maritime provinces)	
D	<i>Minchinia armoricana</i>	France, Netherlands	
D	<i>Martiella refringens</i>	France	
D	Rickettsia	France	
D	Bonamia ostreae	France, Denmark, Netherlands	
PD	Herpes-like virus	Wales, GB	
D	Microcell disease	California, Connecticut	